

114TH CONGRESS  
2D SESSION

# H. R. 5972

To amend the Higher Education Act of 1965 to provide protection for students that report sexual assault, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 8, 2016

Ms. SPEIER (for herself, Mr. DOLD, Ms. HAHN, Mr. JOHNSON of Georgia, Mr. GOSAR, Ms. NORTON, Mr. FOSTER, Mrs. BUSTOS, Mr. GALLEGUO, Mrs. NAPOLITANO, Mr. HASTINGS, Mr. COSTA, Ms. ESHOO, and Mr. CARSON of Indiana) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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# A BILL

To amend the Higher Education Act of 1965 to provide protection for students that report sexual assault, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as “The Campus Sexual As-  
5       sault Whistleblower Protection Act of 2016”.

1     **SEC. 2. SEXUAL ASSAULT WHISTLEBLOWER PROTECTION.**

2         (a) FEDERAL FINANCIAL AID.—Section 484(r) of the  
3     Higher Education Act of 1965 (20 U.S.C. 1091(r)) is  
4     amended—

5             (1) in paragraph (1), by striking “A student”  
6     and inserting, “Except as provided in paragraph (3),  
7     a student”;

8             (2) by redesignating paragraph (3) as para-  
9     graph (4); and

10            (3) by inserting after paragraph (2) the fol-  
11     lowing:

12            “(3) EXCEPTION.—Paragraph (1) shall not  
13     apply to a student who—

14              “(A) makes an admission described in sec-  
15     tion 487(a)(30)(A)(i); and

16              “(B) is convicted of an offense involving  
17     the possession of a controlled substance based  
18     on conduct described in such admission.”.

19         (b) FINANCIAL AID FROM INSTITUTION OF HIGHER  
20     EDUCATION.—Section 487(a) of the Higher Education  
21     Act of 1965 (20 U.S.C. 1094(a)) is amended by adding  
22     at the end the following:

23            “(30)(A) The institution—

24              “(i) with respect to a student enrolled in  
25     the institution who makes a report of a sexual  
26     assault and admits to the unlawful consumption

1           of alcohol or a controlled substance in such re-  
2           port, will not take any retaliatory action against  
3           such student for such consumption;

4           “(ii) with respect to a student enrolled in  
5           the institution who is the victim of a sexual as-  
6           sault, will not take any retaliatory action  
7           against such student for the sexual activity ad-  
8           mitted to in a report of such assault; and

9           “(iii) will annually inform students enrolled  
10          in the institution of the prohibition against re-  
11          taliatory actions described in clauses (i) and  
12          (ii).

13          “(B) In this paragraph:

14           “(i) The term ‘sexual assault’ has the  
15          meaning given such term in section  
16          485(f)(6)(A).

17           “(ii) The term ‘controlled substance’  
18          has the meaning given the term in section  
19          102(6) of the Controlled Substances Act  
20          (21 U.S.C. 802(6)).

21           “(iii) The term ‘report’ means a re-  
22          port made by a student to State or local  
23          law enforcement agencies or the institution  
24          in which the student is enrolled.

1                     “(iv) The term ‘retaliatory action’,  
2                     when used with respect to a student de-  
3                     scribed in clauses (i) and (ii), includes—

4                     “(I) the expulsion, suspension, or  
5                     altering of the financial aid of such  
6                     student; and

7                     “(II) any notification (other than  
8                     a notification required by law) to a  
9                     parent or legal guardian of such stu-  
10                    dent with respect to the contents of a  
11                    report of sexual assault made by such  
12                    student.”.

13 **SEC. 3. SENSE OF CONGRESS.**

14                 It is the sense of Congress that Federal and State  
15                 prosecutors should exercise their prosecutorial discretion  
16                 when considering bringing any criminal charges against  
17                 any person who comes forward to report a sexual assault,  
18                 and who, in making such report, admits to engaging in  
19                 unlawful consumption of alcohol or a controlled substance.

